



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/156,761	09/18/1998	ALEX MATUSEVICH	2925-149P	1477
30594	7590	12/14/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			GEORGE, KEITH M	
P.O. BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	
			2663	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/156,761

Applicant(s)

MATUSEVICH, ALEX

Examiner

Keith M. George

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8,9,11,12,14-17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,7,10,13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been reassigned to Examiner Keith M. George, AU 2663.

Claim Objections

2. Claims 3, 4, 7, 8, 11, 14, 16, 19 and 20 are objected to because of the following informalities: these claims contain either the acronym CDL or TDMA without providing a definition of the acronym. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 5, 8, 9, 11, 12, 14-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dupont, U.S. Patent 5,535,207, hereinafter Dupont.
5. Referring to claims 1, 5 and 15, Dupont teaches a method of dynamically allocating time slots on a packet data communications channel including in figure 4 a flow chart of the described invention. By way of background, Dupont teaches that base station transmitters only attempt to deliver or transmit messages to a particular terminal during an active time slot for that terminal. Terminals may then rely on these circumstances to advantageously conserve power or battery life by entering a power conservation mode during inactive time slots (transmit data during

Art Unit: 2663

active time slots and discontinue modulation during inactive time slots) (column 1, lines 44-50).

Figure 1 provides a block diagram of the system where it clearly teaches the use of a two-way wireless channel (102) between the base station (109) and the transceiver (113) (wirelessly transmit the carrier signal).

6. Referring to claims 4, 8, and 16, Dupont teaches the method described in reference to claims 1, 5 and 15 above and also teaches in figure 2 that the invention is to be used in a time division multiple access type system.

7. Referring to claims 9, 12 and 17, Dupont teaches the method described in reference to claim 1 above and also teaches that selecting the pattern key may include selecting or choosing an activity level, such as 100%, 50%, 25%, etc. or choosing a latency or maximum delay period equivalent to the number of sequentially inactive time slots for the terminal (optimally organizing the time slots so that each carrier signal has a minimum number of active time slots) (column 3, lines 11-15).

8. Referring to claims 11, 14 and 19, Dupont teaches the method described in reference to claims 9, 12 and 17 above and also teaches in figure 2 that the invention is to be used in a time division multiple access type system.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2663

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont in view of applicant's admitted prior art, hereinafter APA.

11. Dupont teaches the system described in reference to claim 1 above with the possible exception that the carrier signal contains CDL data and a sync word segment for identifying a time slot of the carrier signal. On page 3, lines 21-24 of the specification, applicant admitted that the carrier frequency signal includes three time slots each including a sync portion, a control and data portion and a CDL portion. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the portions disclosed in the APA with the method of modulating during active slots and not modulating during inactive slots as taught by Dupont. One of ordinary skill in the art would have been motivated to do this in order to maintain synchronization.

Allowable Subject Matter

12. Claims 2, 3, 6, 7, 10, 13 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments with respect to claims 1, 2, 4-6 and 8-20 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2663

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 571-272-3099. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
7 December 2004



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 02/10/04